

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

BROADCAST MUSIC INC,
a corporation, et al.

Plaintiffs,

v.

FOURTH QUARTER INC d/b/a
SKY BAR CAFÉ, PATRICK J. GRIDER
AND DANIEL GRIDER EACH
INDIVIDUALLY

Defendants.

Case No. 3:07CV921-MRT

ANSWER

COME NOW the Defendants, by and through their undersigned attorney of record, and having object to and moved to strike Plaintiffs' application for default, answers the complaint filed in this action, specifically reserving the right to supplement and/or amend this answer state as follows:

JURISDICTION AND VENUE

1. The Defendants admit this is a suit for copyright infringement.
2. The Defendant's admit venue is proper.

THE PARTIES

3. The Defendants lack the necessary information and/or knowledge to admit and/or or deny the allegation contained in Paragraph 3.
4. The Defendants lack the necessary information and/or knowledge to admit and/or or deny the allegation contained in Paragraph 4.
5. Admitted.

6. Denied.
7. Admitted.
8. Denied.
9. Denied.
10. Denied.
11. Denied.

CLAIMS OF COPYRIGHT INFRINGEMENT

12. Defendants adopt each and every response contained in paragraphs 1 through 11 above as if the same were set forth fully herein.

13. Admitted, except Defendants deny that they are guilty of any copyright infringement.

14. The Defendants lack the necessary information and/or knowledge to admit and/or or deny the allegations concerning the “schedule” contained in Paragraph 14. The Defendants deny the alleged 20 claims of copyright infringement contained in Paragraph 14 and demand strict proof thereof.

15. The Defendants lack the necessary information and/or knowledge to admit and/or or deny the allegation contained in Paragraph 15.

16. The Defendants lack the necessary information and/or knowledge to admit and/or or deny the allegation contained in Paragraph 16.

17. The Defendants lack the necessary information and/or knowledge to admit and/or or deny the allegation contained in Paragraph 17.

18. The Defendants deny the alleged 20 claims of copyright infringement contained in Paragraph 18 and strict proof thereof is hereby demanded.

19. Denied.

AFFIRMATIVE DEFENSES

Defendants having answered each and every allegation contained in the Complaint, now set forth the following affirmative defenses, separately and severally.

1. Defendants plead the General Issue.
2. Defendants plead the affirmative defense of the Fair Use Doctrine.
3. Defendants plead Innocent Use.

Respectfully submitted this the 10th day of December, 2007.

WHITTELSEY, WHITTELSEY & POOLE, P.C.

/s/ Davis B. Whittelsey
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DEFENDANTS DEMAND TRIAL BY JURY

/s/ Davis B. Whittelsey
BY: DAVIS B. WHITTELSEY (WHI-067)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following individuals, by hand delivering a copy or by placing it in the United State mail, postage prepaid, at their correct addresses this the 10th day of December, 2007.

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/s/ Davis B. Whittelsey
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